Nos 305 and 369.
Affidavits agt. issuance of Mandate

Office Supreme Court U.S.
FILED
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JAMES H. MCKENNEY,
Clerk.

Filed Apr. 27, 1901.

Supreme Court of the United States.

OCTOBER TERM, 1900.

Numbers 305 and 369.

CHARLES W. LYNDE, PLAINTIFF IN ERROR,

vs.

MARY W. LYNDE.

AND

MARY W. LYNDE, PLAINTIFF IN ERROR,

vs.

CHARLES W. LYNDE.

ON WRITS OF ERROR TO THE SUPREME COURT OF THE STATE OF NEW YORK.

AFFIDAVIT IN OPPOSITION TO MOTION FOR IMMEDIATE ISSUANCE OF MANDATES.

GEORGE S. INGRAHAM,
Attorney for Charles W. Lynde.

JUDD & DETWEILER, PRINTERS, WASHINGTON, D. C. 4-30-'01

Supreme Court of the United States.

OCTOBER TERM, 1900.

No. 305.

CHARLES W. LYNDE, Plaintiff in Error,

vs.

MARY W. LYNDE, Defendant in Error.

State of New York, }
County of Kings, } ss.:

George S. Ingraham, being duly sworn, says that he is the attorney for the plaintiff in error in the above-entitled action; that deponent sent for the opinion herein prior to the time that the case was decided, but did not receive said opinion until last Monday, April 22, and that deponent has spent several days in the examination of legal questions involved in said opinion, with the view to ascertain whether he would apply for a rehearing on collateral questions that deponent believes said opinion has determined, and that deponent has not completed his examination of said question; that this case was decided at the New York special term on January 19, 1899, and that it has since been through two appellate

courts in New York, and that deponent has assisted his adversary in advancing this case in the New York appellate court by exchanging its position on the calendar with a case that was far ahead of it, and that to reach an early decision in this court he agreed with his adversary to submit rather than to argue this case, and that for these reasons he believes he is entitled to the full thirty days before the mandate is returned.

Deponent calls attention to the fact that the moving affidavit sets forth no adequate reason for the granting of this motion, but does set forth a reason for its denial, to wit, that the defendant in error claims that she is only entitled to a certain sum over *$26,400*, but that the plaintiff in error has given bonds to the amount of *$101,000* to secure said sum.

GEORGE S. INGRAHAM.

Sworn to before me this 26th day of April, 1901.

[SEAL.] GEORGE P. BUTLER,
Notary Public, Kings Co., N. Y.

[Endorsed:] United States Supreme Court. Charles W. Lynde, pl'ff in error, ag'st Mary W. Lynde, def't in error. Original. Opposing affidavit. George S. Ingraham, att'y for pl'ff in error, 166 Montague street, Brooklyn, N. Y.

[Endorsed:] File No., 17,790. Supreme Court U. S., October term, 1900. Term Nos., 305 & 369. Chas. W. Lynde, P. E., *vs.* Mary W. Lynde. Affidavit of George S. Ingraham in opposition to motion for mandate. Filed Apr. 27, 1901.